

**REMARKS/ARGUMENTS**

This Amendment is in response to the final Official Action mailed November 24, 2003 and Applicant's Notice of Appeal subsequently filed on May 21, 2004. In addition, Applicant is responding to the Communication from the Examiner on June 7, 2004 requesting that Applicant submit a substance of the telephone interview with the Examiner held on May 21, 2004. In view of the above amendments and within remarks, reconsideration of the Examiner's rejection is respectfully requested.

The undersigned wishes to express his appreciation for the courtesy extended by the Examiner during the telephone interview on May 21, 2004. During the interview, the undersigned discussed with the Examiner the proposed claims submitted to the Examiner on May 20, 2004 annexed to the Telephonic Interview Request Form. Applicant's proposed claims were discussed with reference to *Toshiro, et al.*, JP 07-155462 cited by the Examiner in the final Official Action. It was pointed out to the Examiner that the prior art did not disclose selecting the type of display mode for a scene image based upon the displayed position and motion of the character. The Examiner has agreed to give further consideration to the claims of record in view of Applicant's further remarks within this amendment.

The present application includes claims 1-42, of which claims 1, 9, 21 and 32 have been presented in independent form. The Examiner has rejected claims 1, 9 and 32 as being anticipated under 35 U.S.C. § 102(b) by *Toshiro et al.*; and claim 21 as being obvious under 35 U.S.C. § 103(a) over *Toshihiro et al.* in view of *Mukojima*, United States Patent No. 5,768,393. With respect to *Toshiro et al.*, the Examiner states the reference discloses a scenario wherein once a car is determined to be in the range of the player's car, then radar picks up the

car and provides a type or mode of display based upon the car's detected position and motion. In view of the below remarks, the Examiner's rejection is traverse and should therefore be withdrawn.

As cited in claim 1, one of a plurality of display modes for a scene image is selected based on the detected display position and motion of the character. A first scene image is subjectively viewed by the character in accordance with one of the display modes, and a second scene image is objectively viewing the motion of the character in accordance with another one of the display modes. As to claim 9, a scene image producing section selectively produces a scene image in accordance with another one of a first display mode, a second display mode or a third display mode, based on the detected display position and motion of the character, and displays the produced scene image in accordance with one of the display modes. Claim 21 is similarly limited. As to claim 32, the stored program executes a subjective display mode process, an interlude display mode process, and a bird's eye view display mode process. The program switches among the subjective, interlude and bird's eye view display modes according to the detected position and motion of the character so as to display a corresponding first, second and third scene image. These features of Applicant's claimed invention are not disclosed by Toshio et al.

Specifically, Toshio et al. does not disclose selecting the type of display mode for a scene image based upon the displayed position and motion of a character. Rather, Toshio et al. discloses the use of one or more manual switches, which are controlled by the game operator, for changing the display mode.

The Examiner's attention is directed to the translation of Toshio et al. prepared by the Examiner. As

disclosed in Toshiro et al., the purpose of the disclosure is to offer an electronic game apparatus that provides an accurate radar display of the position and travel direction of other moving objects around the player across all directions for 360 degrees. See the last four lines on page 5. While keeping the player moving object fixed, switches are provided to change the radar detection range to achieve an easy to read radar map of the status of the other moving objects moving toward or away from the player. See the paragraph bridging pages 6 and 7.

With reference to Fig. 1, data processor 100 includes a viewpoint data memory 130 for specifying the viewpoint selected by one of the switches 10, and a radar detection range data memory 130 for likewise specifying the radar detection range selected by one of the switches 10. See page 9, lines 2-5. In operation, the viewpoint switching/setting operation and radar detection range switching/setting operation by the switches 10 are described on page 10, lines 10 et seq. For example, the viewpoint on the display screen is changed based on the player's wishes by viewpoint switching operation using one of the switches 10, such as a push-button switch. The switches may be arranged next to the game start switch, combined with the game start switch, or provided on the handle. As shown in Fig. 2, the various viewpoints can be switched or changed by means of the operator controlled switches 10. The viewpoints are written in viewpoint data memory 130. The same number of push-button switches as the number of viewpoints may be provided with each switch corresponding to one of the viewpoints, or a single switch may be provided with the viewpoint switched sequentially therethrough each time the switch is depressed. Similarly, the radar detection range is changed based upon the player's wishes by a radar detection range switching operation using one of the switches 10. See page 11, lines 1-11. As with the viewpoint switching, the radar detection range can be switched through the

different zones by providing the same number of push-button switches as the number of radar detection ranges, each switch corresponding to one of the zones, or a single switch which can be sequentially activated for sequencing through the zones each time the switch is depressed.

Thus, *Toshiro et al.* makes it possible to switch between different viewpoints and radar detection ranges by means of one or more manually operated switches. Specifically, the output of the switches are inputted to MPU 102, which checks whether or not a viewpoint switching operation was performed and whether or not a radar detection range switching operation was performed. See page 12, lines 15-18. It is made clear from the teachings of *Toshiro et al.* that any change of a scene or display mode is accomplished manually by the user activating one or more switches which are controlled by the game operator. There is no disclosure of Applicant's claimed invention wherein the type of display mode for a scene image is changed based upon the detected displayed position and motion of the character. Accordingly, the Examiner's rejection is considered traverse and should therefore be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 6, 2004

Respectfully submitted,

By 

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